

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

*Cleveland Bakers and Teamsters Health  
and Welfare Fund, et al. v. Purdue Pharma  
L.P., et al., Case No. 1:18-op-45432-DAP*

MDL No. 2804

Case No. 1:17-md-2804

Hon. Dan Aaron Polster

**DISTRIBUTORS' MOTION TO CERTIFY UNDER 28 U.S.C. § 1292(b)  
THE COURT'S FEBRUARY 21, 2020 ORDER DENYING IN PART  
THEIR MOTION TO DISMISS THIRD-PARTY PAYOR CLAIMS,  
FOR PURPOSES OF SEEKING IMMEDIATE APPEAL OF THE  
COURT'S RULINGS THAT DENIED DISMISSAL OF THE RICO CLAIMS**

Defendants AmerisourceBergen Drug Corporation, Cardinal Health, Inc., and McKesson Corporation ("Distributors") respectfully request that this Court certify under 28 U.S.C. § 1292(b) the Court's February 21, 2020 Opinion and Order, Dkt. 3177 ("Order") denying in part their motion to dismiss claims asserted by Cleveland Bakers and Teamsters Health and Welfare Fund and Pipe Fitters Local Union No. 120 Insurance Fund (collectively, the "Third-Party Payors"). Specifically, Distributors seek certification of the Order so they may request an interlocutory appeal of the following issues: (1) whether the Third-Party Payors' allegations meet RICO's direct injury and proximate causation requirement; and (2) whether the Third-Party Payors' allegations satisfy RICO's requirement of injury to "business or property."

An immediate appeal of these issues raised by the Court's Order is warranted. The grounds for Distributors' motion are set forth in the attached memorandum of law; a Proposed Order granting Distributors' motion or certification under Section 1292(b) is also attached.

DATED: April 7, 2020

Respectfully submitted,

/s/ Mark H. Lynch

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**CERTIFICATE OF SERVICE**

I, Mark H. Lynch, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Mark H. Lynch  
Mark H. Lynch